

MINUTES

**MONTANA SENATE
56th LEGISLATURE - REGULAR SESSION**

SELECT COMMITTEE ON CONSTITUTIONAL AMENDMENTS

Call to Order: By **CHAIRMAN WALTER MCNUTT**, on February 19, 1999
at 6:05 P.M., in Room 325 Capitol.

ROLL CALL

Members Present:

Sen. Walter McNutt, Chairman (R)
Sen. Tom A. Beck (R)
Sen. Mack Cole (R)
Sen. Lorents Grosfield (R)
Sen. Linda Nelson (D)
Sen. Jon Tester (D)
Sen. Fred Thomas (R)
Sen. Bill Wilson (D)

Members Excused: None.

Members Absent: None.

Staff Present: Greg Petesch, Legislative Branch
Adrienne Pillatzke, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 494, 2/19/1999; SB 495,
2/19/1999; SB 496, 2/19/1999;
SB 493, 2/19/1999; SB 497,
2/19/1999; SB 498, 2/19/1999
Executive Action: None.

HEARING ON SB 494, SB 495, SB 496

Sponsor: SENATOR LORENTS GROSFIELD, SD 13, Big Timber

Proponents: Don Allen, Allen & Associates
Rebecca Watson, Western Environmental Trade Assoc.
Dennis Burr, MT Tax Payer's Association
Lance Melton, General Council with MT School Board Assoc.
Eric Feaver, MT Education Assoc., MT Federation of Teachers and the MT Public Employee's Assoc.
Jerome Anderson, Shell Oil Company
John Bloomquist, MT Stockgrower's Assoc. and MT Farm Bureau Federation and MT Grain Grower's Assoc.
Cary Hegreberg, MT Wood Products Association
Mary Ellen Schnur, Townsend
Tom Daubert, Helena
Jean Johnson, MT Outfitter's & Guide's Association
Russ Ritter, MT Resources
Bill Snoddy, McDonald Gold Project, Lincoln
Tammy Johnson, Whitehall
Frank Crowley, Helena
Pam Langley, MT Agribusiness Association
Tim Babcock, Former Governor
Gale Ambercrombie, MT Petroleum Association
Chris Gallus, MT Chamber of Commerce
Alan Olson, Roundup School Board

Opponents: Mike Cooney, Secretary of State
C.B. Pearson, Common Cause
Jonathan Motl, Attorney Helena
Craig Sweet, MT PIRG,
Jim Jensen, MT Environmental Information Center
Mark Mackin, Helena
Stan Frasier, Helena
Chris Kosko, Self
Dustin Doane, MT Wildlife Federation
Kelley Hubbard, MT Senior Citizen's Association
Don Judge, MT AFLCIO
Aaron Browning, Northern Plains Resource council
Jeff Barber, Helena

Opening Statement by Sponsor:

SENATOR LORENTS GROSFIELD, SD 13, Big Timber, stated there are six bills going to be heard. He explained why there are six

bills. The first three bills affect the statutory initiative process.

Senator Grosfield said SB 494 deals with petition gathering. He stated SB 494 changes the minimum number of qualified electors from 5% to 10%. He said SB 495 changes from using representative districts to using counties, therefor using 1/2 of the counties rather than 1/3. He said SB 495 is a rural versus urban Montana issue. He explained the process of gathering signatures under the current law. He said SB 496 deals with the election. Senator Grosfield said the bill states the number of electors is determined by the number of votes casted in the previous governor's election.

They are going from 1/3 of the legislative districts to 1/2 the counties. They are going from 5% to 10% of qualified voters per county but also per the state. He said under current law there has to be 5% of signatures from 1/3 of the counties but also 5% of the total number of votes casted in the last election.

He entered the 1998 Ballot Issue Guidelines Book, **EXHIBIT (cas41a01)**. He said the book is published by the Secretary of State. The book is distributed to anybody who is interested in placing an initiative on a ballot.

He asked the hearing members, "how many qualified electors would you guess that it takes to qualify a legislative representative district." He referred and discussed pages 12-15. The answer on average is 199 per district.

Senator Grosfield talked about HB 636. He explained what the bill would do.

Proponents' Testimony:

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Don Allen, Allen & Associates, said they were asked to coordinate on an informal basis, the discussions for the coming forth proposed changes. He said there is a strong feeling that if they are going to have law by initiative, there needs to be more honesty, integrity and reliable information for the voters to make their decisions. There is no intention to take away any of the right or opportunity for passing laws by initiative. He said if they were going to do it, the feeling was they needed to improve the process in order for it would work better.

Rebecca Watson, Western Environmental Trade Assoc., entered written testimony, **EXHIBIT(cas41a02)** and referred to a poster she presented.

Dennis Burr, MT Tax Payer's Association, restated what the bills would do. He said he has no problem saying he thinks the initiative system should be made harder. He thinks the things that are put on the ballot are too easy to get there. They do represent enough of the public to be put on the ballot at the present time. He referred to I-125 and CI-75. He said the changes, which the bills will make, will involve more of eastern Montana in the initiative process. He supports SB 495 which does both, changing the number from 5% to 10% and changes from legislative districts to half of the counties.

Lance Melton, General Council with MT School Board Association, said the bills present important issues. The MT School Board Association is an association that has tried unsuccessfully in the past to gather sufficient number of signatures to get an initiative on the ballot. He said between I-122, I-125, CI-75, and I-137 anybody with a political position in the State of Montana must have been offended by one of those initiatives. The association believes initiatives are important matters which should be considered by the voters. He said to let the voters decide what they think about the initiative process. He said the bills are the way to open the door to allow the public to decide.

Eric Feaver, MT Education Association, MT Federation of Teachers and the MT Public Employee's Association, thinks we need a wider and deeper electorate involved in qualifying petitions for the ballot. He said far more of the electorates must be engaged from the beginning, all over Montana in a fashion where they will be seriously involved in what they are putting on the ballot. Issues which are up for their approval or rejection. The associations would prefer to support SB 495.

Jerome Anderson, Shell Oil Company, said the in the petition gathering process, people in eastern Montana are left out of that process. They feel people in the oil patch in Montana, where their operations are being conducted, are entitled to participate in the gathering process and to have their voice heard. He listed the counties where people are being ignored and the counties which are being hit for signatures. He stated the people in the small counties of Montana are entitled to participate in the process and to have their voices heard also.

John Bloomquist, MT Stockgrower's Association and MT Farm Bureau Federation and MT Grain Grower's Association, said the members have been concerned with the initiative process and the issue

which has come up. He discussed an initiative on a ballot in Oregon. He urged the committee's support.

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Cary Hegreberg, MT Wood Products Association, said the question before the committee is how much influence should TV sound bytes have over such issues as private property rights. He said the sale of timber from private lands in Montana would make it the third largest agricultural crop in the state behind livestock and small grains. He commented on a ballot initiative in Oregon. He said when private landowners are constrained in their ability to harvest, mills are constrained in their ability to procure raw resource. People are left out of work when the mill closes and the tax base erodes. He said the question is how easy should it be to get an issue on the ballot. How accountable should the state be to provide voters with factual, objective and through information on which to vote? Will we allow rhetorical sound bytes to set sweeping laws governing the use and the enjoyment of our private property and other aspects of our lives? He thinks we need have to have a thoughtful and careful process for putting initiatives on the ballot for voters to carefully deliberate upon.

Mary Ellen Schnur, Townsend, stated her family is very interested in the state government. She said the initiative process is a valuable part of our ability to govern ourselves. She listed states of how this process has been misused to the detriment of rural citizens, their livelihoods and their culture. She said hunting, fishing, trapping, and agricultural practices have been regulated by ballot not by science or study. She listed large cities in states which outnumber rural residents of their states. Their numbers have disenfranchised their rural neighbors in the initiative process and she would like this not happen in Montana. She said the bills will allow rural Montanans equal opportunity to initiative ballot measures and an equal opportunity to defer those issues from the ballot. She said it is the difference between Democracy and a Democratic Republic.

Tom Daubert, Helena, stated his past experience with campaigning. He thinks Montana's demographics and population distribution have changed enormously since the original prescription for the initiative process was created. He said those trends are going to continue. He commented on the how easy it was to make CI-75 a new law. He doesn't support the provision which would require more than 50% of all registered voters in order for something on the ballot to pass. He said it is rather extreme. He commented on a bill in a Natural Resource Committee meeting. He said they should require 2/3 of the people who show up in order for a

ballot issue to pass. He said the bills would ask the voters to make these decisions.

Jean Johnson, MT Outfitter's and Guide's Association, said the majority of members, except of outfitters in Gallatin area, are scattered all over the state. When there is a ballot issue which will have detrimental effect on outfitters, the signatures come from urban areas. The association supports SB 495 as a preference. She supports the initiative process but also supports the democratic process. She votes for legislators because she believes in the process.

Russ Ritter, MT Resources, said the committee has heard excellent reasons to pass these bills. He asked if the bills go to the people, is it wrong to have the people vote on them. If they do not agree with what is being suggested, they will vote no.

Bill Snoddy, McDonald Gold Project, Lincoln, said the project fell victim to initiative 137 and nine former employees are seeking new jobs. He said it was frustrating to watch how quickly and easily an initiative can be placed on a ballot when so many people were denied the opportunity to make a yes or no decision on the signature process. He said in the case of I-137, many mining counties were left out of the opportunity to participate in the signature gathering process. He said everybody at McDonald support the initiative process. But they would like to see it applied fairly across Montana.

Tammy Johnson, Whitehall, provided written testimony,
EXHIBIT (cas41a03).

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Frank Crowley, Helena, commented on the discussion in a Natural Resource Committee meeting. The people who propose initiatives on complex, technical, environmental issues say they respect the voters, therefore they bring the issues to the voters and have them decide on the issues. He said that shifts an enormous responsibility onto the voting public. He commented on I-122 issues in 1996. He said it shows a disrespect to the voting public by putting complex technical issues to them in a form of an up or down paragraph in an initiative format. He commented on his job experience in the area of environmental regulation and protection in Montana.

Pam Langley, MT Agribusiness Association, agreed with the testimony which has been given. She said the association members are in rural areas and they are the ones who have been disenfranchised in this process.

Tim Babcock, Former Governor, thinks the initiative process is so simple you literally can go out and buy an initiative. He said it about happened with I-137. MEIC paid money to get their initiative qualified. They went out of state and hired some consulting in Oklahoma and in California. He is pleased the committee is taking up this problem that the State of Montana has which is eroding from our representative form of government. He thinks the committee can come out with an initiative regulations which will not eliminate the public vote on the initiatives.

Gale Ambercrombie, MT Petroleum Association, representing producers, pipelines, and refineries in the State of Montana. The association believes in the representative process and the representative government. She said the initiative process is very inflexible. She said the bills offer small changes that will make it more difficult but not by much. She said the change from legislative districts to the counties is very important.

Chris Gallus, MT Chamber of Commerce, said there is a growing concern with how the initiative process is being used in Montana. They believe if we continue to govern ourselves by the system then we need more responsibility, involvement and participation by the public, especially in rural Montana. He said initiatives are an up or down approach to making laws. He said as a consequence we lack the deliberations that we have in the ordinary legislative process. One way to infuse some deliberation in the process is with signature gathering. He stated today's initiative process is more of a weapon for special interest groups than it is the citizen's process that it originally started out as. We have moved away from the people's process into an era of paid signature gathering, political consulting, strategic polling and special interest politics. The Chamber supports the bills because the bills involve more Montanans. He asked the committee to consider adding some additional language and addition responsibility. He said by increasing the number of counties or by setting a minimum amount of signatures that would be gathered in each of the 56 Montana counties that they could get some participation in all of those areas.

Alan Olson, Roundup School Board, said he has never been afraid of voters in his life. If the voters didn't like what he was doing they wouldn't vote him into office. He urged the committee to pass the bills and let the voters decide.

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Opponents' Testimony:

Mike Cooney, Secretary of State, said initiatives belong to the people. Initiatives are a tool for the people of Montana to directly write or repeal state laws. Initiatives serve as a balance to the power of the legislature. Initiatives give the average person voice, it is direct democracy. He said most importantly, the initiative process works. He doesn't see a problem.

He explained the history of initiatives. He said since 1912 there has been 91 different initiative petitions have been circulated. He said 64 made the ballot and then only 39 were approved. He said only 39 out of a possible 91 initiatives showed him, Montanans are selective when passing initiatives. Since the adoption of the 1972 Constitution, 62 initiatives or initiative referendum petitions, have been approved for circulation. He said 30 have qualified for the ballot. Only 19 were finally approved.

He has been offended by an initiative. There are a lot of initiatives which come before to his desk and he wonders were did they come from but it is not a reason to make the process more difficult. He is concerned about changing the geographic distribution requirements from house districts to counties. He explained why he is concerned. He said ballot measures help turnouts. He said initiatives and referendums put power into the hands of Montanans.

C.B. Pearson, Common Cause, entered written testimony, **EXHIBIT(cas41a04)**, a survey of Montana voters concerning Montana's initiative process, **EXHIBIT(cas41a05)**, and a study on campaign contributions to Montana's ballot elections from 1982 to 1994, **EXHIBIT(cas41a06)**.

Jonathan Motl, Attorney Helena, stated he was the author of I-118, I-125, and of the Agitate Pack Limit bill. He said the initiative process is fundamentally different than the legislative process. He said I-125, the first law of its kind to be passed in the nation, was drafted around a particular series of cases. They defined a new way to deal with campaign finance reform. He said I-125 was passed by the voters. He discussed when I-125 went to the legislature, the Supreme Court and a trial where the judge struck the initiative down. He said the initiative is under appeal. He said the problem with the initiative process is not the qualification and is not the theory, it is an insider-outsider balance.

Craig Sweet, Montana Public Interest Research Group, said MT PIRG stands in opposition to any further restrictions which will limit or make more difficult the citizens' initiative process. He

referred to the article published in the *Independent Record* newspaper. He said a more difficult process of qualifying for the ballot might detour some citizen activists and that means it will cost more money to participate. Therefore, giving a large advantage to the well-financed special interests. He said democracy suffers when the will of a wealthy few wins out over the interest of the majority. He asked the committee what they stand to gain by supporting these bills. He said the initiative process does have its flaws but the process works. He said the process increases citizen participation and voter turnouts, promotes the public interest above special interest and gives all Montanans' citizens access the law making process.

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Jim Jensen, MT Environmental Information Center, commented on the allegation made by proponents of the legislation regarding rural voters, whether or not initiatives are too complex for voters to understand and make a good decision on the issue of paying people to collect signatures.

Mark Mackin, Helena, entered written testimony,
EXHIBIT (cas41a07).

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Stan Frasier, Helena, said there is some confusion about who are special interest groups. He listed a number of special interest groups and said they are people who seek to gain an economic advantage for themselves. He said the groups who put I-122 on the ballot were public interest groups. They are volunteers trying to make this state a better place to live in. He discussed I-122's issues. He said I-137 was one of the first initiatives where industry groups were not able to buy the election.

Chris Kosko, Self, said SB 493 through SB 498 are detrimental to the democratic process upon which our great nation was founded. His solution to the problem is to let the voters decide if the individual initiative is good or bad at the ballot box.

Dustin Done, MT Wildlife Federation, said by increasing the number of signatures need on a petition, they are decreasing citizen involvement. He said government is created by and for the citizen. He said SB 495 will silence public voice and will discourage the public from becoming involved with their government. He said SB 496 is nonrepresentative government. He said the intent of these bills are to muzzle the public in the law making process.

Kelley Hubbard, MT Senior Citizen's Association, said they believe the initiative process, as it stands, is an accidental tool to the grass root organizations of Montana. The association asked the committee to preserve the voices of citizens and of their constituents.

Don Judge, MT AFLCIO, said they are concerned with what these bills pretend to do. The organization participated in signature gathering for the ballot and has participated in opposing signature gathering for the ballot. He commented on Representative Hibbard's bill in the House. He said the initiative process is a citizen's process where you don't need money to participate, you need volunteer to participate. He said if the committee makes it more difficult, then the process becomes a cash process. He stated SB 494 and SB 496 address citizens' initiated initiatives while SB 495 addresses referendums. He commented on the language of a bill. He said by taking it out of the hands of the citizens they are doing a great injustice to the citizen's of Montana.

Aaron Browning, Northern Plains Resource Council, entered written testimony, **EXHIBIT(cas41a08)**.

Jeff Barber, Helena, said the initiative process which currently exists works and does not need fixing. He commented on his experience qualifying I-122 for the ballot. He asked the committee to vote no on all six bills.

{Tape : 2; Side : A; Approx. Time Counter : 19.2}

Questions from Committee Members and Responses:

SENATOR COLE asked if there are figures showing the percentage of signatures gathered from 55 of the 56 counties. **Jim Jensen** replied he did not have the numbers for each county in which they qualified. He could provide the information at a later time. He said the first county they qualified for was Lake County.

SENATOR COLE responded everything that has come up indicates we are not getting a broad spectrum of the people.

SENATOR TESTER asked why there would be a disenfranchisement of the rural voters if these bills were enacted. **Jim Jensen** believed by making the initiative process more difficult there will be fewer ballot measures. Rural people will have no opportunity to vote on an issue nor will urban people. He referred to Representative Hibbard's bill. He thinks fewer people in rural Montana will be able to participate in the initiative process.

SENATOR TESTER said 26% of the people enacted CI-75. He asked if the figure is accurate in Mr. Cooney's recollection. **Mike Cooney** said he didn't have the information available for the hearing.

SENATOR TESTER said the frustration is in voter apathy. He asked if anything can be done to avert the voters' apathy. **Mr. Cooney** replied he wished he had the answer. This is a problem being experienced throughout the nation. He said initiatives tend to bring people to the polls. The only thing to do is to keep trying. He said we need to continue to keep people involved, give them a reason to come to the polls and have their voices heard. He stated in the last election there were 639,241 registered voters; of those 338,733 voted. In the CI-75 election, there were 167,321 voters who voted for the initiative and 159,499 voted against. He said turnout in the election was 53% state wide.

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SENATOR BECK asked if there are 850,000-900,000 people in the state of Montana. **Mike Cooney** said he couldn't say what the actual population of the state is but said the census figures at the last election show the voting age population is 658,000.

SENATOR BECK responded that we have almost everybody registered to vote except 15,000 in Montana. **Mr. Cooney** replied that is what the census says the state has as a voting population.

SENATOR BECK said 167,000 people voted for CI-75 which was passed by 51%. He said that is far from the majority of the Montana people voting for that initiative. He thinks it is the minority who is changing the Constitution of the State of Montana. **Mr. Cooney** responded those rules are the same in which they stand for when they stand for election. **SENATOR BECK** asked of the initiatives, which were successful in the last couple of years, are more of them being challenged in the courts and are the courts dictating more of what we are seeing out of the initiative process. **Mr. Cooney** said in the years of being Secretary of State, litigation is becoming more of a common practice in the initiative referendum process. It is also becoming active in the other areas of elections as well.

SENATOR BECK said they are looking at the numbers but they are going back to the same people that are voting on initiatives to vote on whether they want to increase it or not. He asked if that is the democratic process. **Mike Cooney** replied if the body chooses to go that route, it is the democratic process and will be asking the people their opinion. **SENATOR BECK** said he came in opposition of the bill. We are putting it to the vote of the people. **Mr. Cooney** replied the committee has the ability to

place the issue on the ballot and to give the people the right to choose. The current system does not show there is a problem.

SENATOR NELSON said she liked the idea of collecting signatures based on the counties rather than representative districts. He asked if he could address the issue. **Mike Cooney** said the only concern he has is that legislative districts are reapportioned every 10 years to have a balanced in each district. **SENATOR NELSON** asked if he thinks there is a problem with going to counties. **Mr. Cooney** replied there are certain counties which have large populations and others with smaller populations. Legislative districts are designed to be equal.

SENATOR THOMAS stated the committee does not make the changes. They can only propose legislation and only the voters can make the decision. He asked if C.B. Pearson agreed with him. **C.B. Pearson** responded the provisions which are provided for the initiative process, for constitutional and statutory initiative, are grounded within the Constitution. The only way those provisions could be altered is through a process of placing them before the people. **SENATOR THOMAS** asked only the voters can make the change. **Mr. Pearson** replied yes.

SENATOR THOMAS asked if they were to make one of these changes, it would be up to them. **Mr. Pearson** replied he was correct. **SENATOR THOMAS** asked if the bills are straight forward. **Mr. Pearson** said he would not agree with his characterization of the initiative on clean water. He said he finds the bills straight forward and the results to be substantial.

SENATOR THOMAS asked if he was afraid of the public making this decision. **Mr. Pearson** responded no. **SENATOR THOMAS** asked if the hearing, they are in, is more extensive than the initiative process of getting a document ready on which to get signatures. **Mr. Pearson** said the hearing process is less extensive and less debate. **SENATOR THOMAS** asked if the process they are hearing is hidden in the Constitution. **Mr. Pearson** described the initiative process.

{Tape : 2; Side : A; Approx. Time Counter : 40.1}

SENATOR THOMAS asked if the Montana Environmental Information Center had several initiatives, concerning electrical restructuring issues, last election. **Jim Jensen** said there were three measures relating to the topic areas which were drafted. One was circulated. **SENATOR THOMAS** asked if the three were approved for signature gathering. **Mr. Jensen** replied yes. **SENATOR THOMAS** asked how many signatures were gathered on each

one of the initiatives. **Mr. Jensen** responded he did not know. He did not work on them himself. **SENATOR THOMAS** asked if any of the initiatives make the ballot. **Mr. Jensen** replied no they did not.

SENATOR THOMAS asked if the Secretary of State knew how many signatures were on the initiatives dealing with electrical restructuring. **Mike Cooney** said I-138 submitted 1,343 signatures, I-139 submitted 16 signatures, and I-140 submitted 473 signatures.

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SENATOR THOMAS thought there needed to be 25,000 signatures on an initiative to qualify. **Jim Jensen** replied 19,862 signatures. **SENATOR THOMAS** asked if the MEIC was involved in negotiations with the Montana Power Company to increase the amount which would be paid for by the Montana Power aide payers for conservation in these initiatives. **Mr. Jensen** said the characterization was not correct. He said the Montana Power Company did engage a number of supporters including MEIC. The power company urged MEIC not go forward with the initiatives. The Montana Power Company discussed the possibility of their shareholder increasing the contribution to public purposes. **SENATOR THOMAS** asked if the donation was not part of the deal, would the MEIC still have withdrawn the initiatives. **Mr. Jensen** replied no. There was no deal. The Board of Directors decided I-137 was a higher priority.

SENATOR THOMAS said from his understanding, the power company withdrew from the negotiations because they felt the initiative process was being used as a tool of extortion. The negotiation points out one of the problems with the process we have.

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Closing by Sponsor:

SENATOR LORENTS GROSFIELD, SD 13, Big Timber, said the hearing has been a discussion of government, democracy, where we are, where we have been, and where we might be going. He said the three bills purport the voters to decide. He said SB 494 and SB 496 deal with the initiative process and SB 495 deals with a referendum. Referendums are processes where people can say they don't like what the legislature did and they try to nullify the act. He said SB 494 and SB 496 both raise the percentage from 5% to 10% and both change from 1/3 of the legislative districts to half of the counties.

He said there are only 24 states in the country which have any kind of an initiative process. Montana has had an initiative process since 1906. He commented on the changes since 1906 and said it is appropriate to adjust the process. He referred to the comment that these bills will lead to less involvement to the people. He said be increasing from 5% to 10% of signatures involves more people involved in the process.

He listed the number of signatures in several counties for I-137. He said there were only 13 counties which had 3 digits and only 13 counties had 100 or more. He listed the 11 counties where the initiative qualified.

He commented on the statement, "issues won't get heard". He said the only thing they have to do is find a legislator who will sponsor a bill. He asked who is really afraid of going to the people with these measures. He said that is where they go, let's ask the people if they want to change the process.

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HEARING ON SB 493, SB 497, SB 498

Sponsor: SENATOR LORENTS GROSFIELD, SD 13, Big Timber

Proponents: Eric Feaver, MT Education Assoc., MT
Federation of Teachers and the MT Public
Employee's Assoc.
Dennis Burr, MT Taxpayer's Association
Mike Pichette, MT Power Company
Rebecca Watson, Western Environmental Trade Assoc.
Jim Mockler, MT Coal Council
Russ Ritter, MT Resources, Butte
Frank Crowley, Asarco
Tammy Johnson, Whitehall
Bill Snoddy, MT Gold Project, Lincoln
Chris Gallus, MT Chamber of Commerce
Tom Daubert, Helena
John Bloomquist, MT Stockgrower's Assoc. and MT
Farm Bureau Federation and MT Grain Grower's
Assoc.
Jerome Anderson, Shell Oil Company and MT Petroleum
Association
Jean Johnson, MT Outfitter's & Guide's Association

Opponents: Mike Cooney, Secretary of State
John Judge, MT AFLCIO
C.B. Pearson, Common Cause of Montana

Mark Mackin, Helena
Dustin Doane, MT Wildlife Federation
Carol Mackin, Helena

Opening Statement by Sponsor:

SENATOR LORENTS GROSFIELD, SD 13, Big Timber, stated SB 493, SB 497, SB 498 deal with constitutional changes. He said SB 493 increases the percent of signatures required to 15%, only increasing by 5%. He said SB 498 changes 1/2 of legislative districts to 1/2 of the counties.

Senator Grosfield entered an amendment for SB 497, **EXHIBIT (cas41a09)**. He stated SB 497 changes from the majority of the people voting to the majority of the registered voters. He explained the complexity of changing the Constitution. He explained the amendment and the purpose for the amendment.

{Tape : 2; Side : B; Approx. Time Counter : 22}

Proponents' Testimony:

Eric Feaver, MEA, MFT, MPEA, said they rise in support of the bills. He asked the committee to amend his testimony heard be on SB 494, SB495 and SB 496 and urge them to pass the bills.

Dennis Burr, MT Taxpayer's Association, suggested putting the change in the percent and the change from legislative districts to counties in the same bill. The reason for his suggestion is because there is a possibility if they were voted on, there might be a Constitutional amendment requiring 10% and an initiative requiring 10%. He suggested putting the 15% and 1/2 the counties in the Constitution amendment and the 10% and 1/2 the counties in the initiative bill. He suggested just having two bills.

Mike Pichette, MT Power Company, supports SB 496 and SB 498 specifically. He said they have a problem with the drafters of the initiatives. He said the initiatives are all written by lawyers working for free. They were looking in SB 498 to increase the credibility of a petition put up for signatures. They think an initiative which appeals to 10% of the people and 1/2 the counties would be more creditable and a more suitable subject for debate. They would like to see the debate extend to 1/2 the counties and see if 10% of 1/2 the counties think the

state legislature should be condemning private water rights. He commented on an initiative in 1982.

Rebecca Watson, WETA, urged a do pass on SB 493 and SB 498. They support the amendment to SB 497.

Jim Mockler, MT Coal Council, entered and discussed Article V of the Constitution, **EXHIBIT(cas41a10)**. He would prefer when passing the Constitutional amendment it takes 2/3 majority of those voting in the counties. He proposed to amend the bill so it will take 2/3 of the counties to vote for a Constitutional amendment to take effect.

{Tape : 2; Side : B; Approx. Time Counter : 31.8}

Russ Ritter, MT Resources, Butte, said the Legislature, House and Senate, are the continuant that take this to the people. He doesn't understand the fear of having the people vote on the issue.

Frank Crowley, Asarco, said he supports the amendment proposed for SB 497. He said 10 people out of a 100 could initiate the process to amend the Constitution. He said under SB 493 would make it 15 people out of 100.

Tammy Johnson, Whitehall said there is no prevision in the initiative process for an amendment. She said it is the committee's responsibility to represent what they feel are their constituents' wishes. She supported SB 493, SB 498 and SB 497 as amended.

Bill Snoddy, MT Gold Project, Lincoln, stated the opponents to I-137 said it was the will of the people and the legislators should not dare to touch the will of the people. He said at this hearing they are saying the legislators need to lead and don't give the people the opportunity to voice their will. He is confused. He supported all three bills as amended.

Chris Gallus, MT Chamber of Commerce, said they support all three bills.

Tom Daubert, Helena, support the three bills and wants to give the voters of the state a change to vote on these issues.

John Bloomquist, MT Stockgrower's Assoc. and MT Farm Bureau Federation and MT Grain Grower's Assoc. support all three bills also.

Jerome Anderson, Shell Oil Company and MT Petroleum Association support SB 493, SB 497 and SB 498.

Jean Johnson, MT Outfitter's and Guide's Association, support the three bills.

{Tape : 2; Side : B; Approx. Time Counter : 38.8}

Opponents' Testimony:

Mike Cooney, Secretary of State, gave historical data on Constitutional initiatives in Montana. He said 79 Constitutional initiatives have been circulated, 11 qualified for the ballot, and 4 approved by the people.

John Judge, MT AFLCIO, urged the committee to proceed with caution when making these changes to the Constitution. They oppose the three bills.

{Tape : 3; Side : A; Approx. Time Counter : 0}

C.B. Pearson, Common Cause of Montana was disappointed with the type of dialogue in the hearing on the important area. He said there was not good debate or broad public involvement prior to these ideas coming forth. He said there is no record that there is a problem. He is concerned about the way issues are being debated in Montana.

Mark Mackin, Helena, submitted written testimony,
EXHIBIT (cas41a11).

Dustin Doane, MT Wildlife Federation, said the bills do nothing more than restrict the public's involvement in government. He does not think many people will vote to decrease their own voice in government.

Carol Mackin, Helena, referred to I-137 and the hearing on cyanide heap bleach technology.

{Tape : 3; Side : A; Approx. Time Counter : 12.2}

Questions from Committee Members and Responses:

SENATOR BECK said the reason for the hearing is because of CI-75. He said it is one thing to put a law on the books or to take a law off, but it is another thing to mess with the Constitution of Montana. He said nobody wants to make it as easy as it to change the Constitution.

SENATOR BECK asked Mike Cooney for his thought on 40% of the registered voters as possibility for being eligible for a Constitutional Initiative to pass. **Mr. Cooney** replied he doesn't know if can answer his question adequately. He said what concerns him is when a situation is set up like what is proposed, not voting is as good as a no vote. **SENATOR BECK** said he is trying to find some way on an off year election the state does not have another CI-75 situation. **Mr. Cooney** said CI-75 has caused him great concern.

{Tape : 3; Side : A; Approx. Time Counter : 17.5}

Closing by Sponsor:

SENATOR LORENTS GROSFIELD, SD 13, Big Timber, said some of the negative testimony about the bill was actually good testimony for the bills. He said this hearing is the beginning and there is a lot of time to analyze and discuss these bills. He commented on the four initiatives which were passed by the voters.

ADJOURNMENT

Adjournment: 9:15 P.M.

SEN. WALTER MCNUTT, Chairman

ADRIENNE PILLATZKE, Secretary

WM/AP

EXHIBIT (cas41aad)